



OCT 23 2000

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

Campbell Rogers, Elazer R. Edelman, and Daniel I. Simon

[Handwritten signatures and initials]
GP 1644
PDR/DOJ/KL

RECEIVED

Serial No.: 08/823,999

Group Art Unit: 1644

OCT 26 2000

Filed:

March 25, 1997

Examiner: Phillip Gabel

TECH CENTER 1600/2900

For:

*MODULATION OF VASCULAR HEALING BY INHIBITION OF
LEUKOCYTE ADHESION AND FUNCTION***RECEIVED**

OCT 26 2000

Assistant Commissioner
of Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

RESPONSE TO NOTICE OF NON-COMPLIANCE OF APPEAL BRIEF

Sir:

Responsive to the Notice of Non-compliance mailed on October 6, 2000 (to the extent the document could be read, the copy being very light and the handwriting extremely difficult to read), it appears the examiner has objected to the appeal brief on the basis that the Exhibits to the Appeal Brief were considered to have been newly submitted. This understanding is not correct. The Exhibits were copies of previously submitted documents, attached solely to facilitate the Board's review by referencing the attached documents with respect to the specific arguments for which they were cited. Specifically, the documents submitted as exhibits were submitted with the Amendments mailed May 24, 1999 and November 15, 1999. These are as follows:

Attached with Amendment Mailed May 24, 1999

Exhibit 2:

U.S.S.N. 08/823,999
Filed March 25, 1997
RESPONSE TO NOTICE OF NON-COMPLIANCE OF APPEAL BRIEF

- ✓ Farb, et al., Circulation 99, 44-52 (1999)
- , Komatsu, et al., Circulation 98, 224-233 (1998)
- , Kearney, et al. Circulation 95, 1998-2002 (1997)
- ✓ Coats, et al., Semin. Interv. Cardiol. 2(3), 153-158 (1997) (abstract)
- ✓ Folts, et al., J. am. coll. Cardiol. 33(2), 295-303 (1999) (abstract)

Exhibit 3:

Simon, et al., J. Clin. Invest. 105(3), 293-300 (2000)

Exhibit 4:

Topol, et al., JAMA 278(6), 479-484 (1997) (abstract)

Exhibit 5:

Deitch, et al., Arterioscler. Thromb. Vasc. Biol. 18(11), 1730-1737(1998) (abstract)

Amendment mailed November 15, 1999

Exhibit 1:

Simon, et al., Abstract 1742, Circulation suppl. 1, 100(18)

Exhibit 5:

Mickelson, et al., J. Am. Coll. Cardiol. 33(1), 97-106 (1999) (abstract)

Please note that the Appeal Brief states that these papers were submitted originally in response to the rejections when made (see, for example, page 14, line 4; page 15, line 8).

U.S.S.N. 08/823,999
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Accordingly, no new supporting material was submitted with the Appeal Brief and the Appeal Brief should be entered and replied to as mailed on June 19, 2000.

Respectfully submitted,



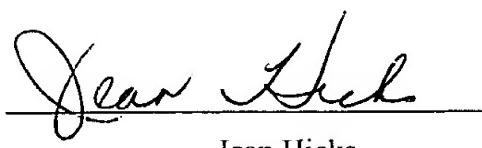
Patrea L. Pabst
Reg. No. 31,284

Date: October 13, 2000
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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this RESPONSE TO NOTICE OF NON-COMPLIANCE OF APPEAL BRIEF, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: October 13, 2000



Jean Hicks